

Mehta, Sonal

From: DeBruine, Sean [Sean.DeBruine@alston.com]
Sent: Tuesday, January 19, 2010 5:06 PM
To: Mehta, Sonal; Rakow, Augie; Elan Apple Team
Cc: Apple Elan WGM Service
Subject: RE: source code

Sonal,

Thank you for arranging the source code. I will check with Mr. Dezmelyk and get back to you with a proposed schedule.

I have one proofreading edit on the Protective Order, In Exhibit A. In the expert/consultant paragraph part of the new text reads "for whom I provides" consulting services. We need to lose the "s." I'm afraid I also have a substantive issue. Upon further review of the prosecution bar in paragraph 6(b), the current language appears to bar litigation counsel from participating in a re-exam request with regard to the patents in suit, even if it is brought by a party to the case during the pendency of the litigation. I don't believe that was our intention. I would therefore ask that we add a qualification on page 5, line 16 "except reexamination proceedings concerning the Patents-in-suit."

Please let me know if this (hopefully) last change is acceptable.

Best regards,

Sean

From: Mehta, Sonal [mailto:Sonal.Mehta@weil.com]
Sent: Tuesday, January 19, 2010 4:29 PM
To: DeBruine, Sean; Rakow, Augie; Elan Apple Team
Cc: Apple Elan WGM Service
Subject: RE: source code

Sean,

Apple's source code will be available for inspection in Weil's Boston and Redwood Shores offices on Friday, subject to entry of the protective order and receipt of signed acknowledgements from anyone that will review the code. Please let me know as soon as possible if the version of the protective order I circulated yesterday is acceptable so we can get that on file.

In terms of logistics for the review, the standard software configuration Apple uses for source code inspections should be more sufficient to search and review the code, but we have also included SlickEdit on the machines based on requests for that in the past. Please let us know as soon as possible who will attend the inspections and when so we can provide that information to security and office staff.

Thanks,
Sonal

From: DeBruine, Sean [mailto:Sean.DeBruine@alston.com]
Sent: Monday, January 18, 2010 4:31 PM
To: Mehta, Sonal; Rakow, Augie; Elan Apple Team
Cc: Apple Elan WGM Service
Subject: RE: source code

Sonal,

It would be best if the review computer had a replica of the development environment used at Apple to create the source code. Can you let me know whether that is feasible?

Thanks.

Sean

From: Mehta, Sonal [mailto:Sonal.Mehta@weil.com]
Sent: Thursday, January 14, 2010 2:34 PM
To: Rakow, Augie; Elan Apple Team
Cc: Apple Elan WGM Service
Subject: source code

Augie,

We were disappointed that Elan choose to file a motion to compel the production of source code notwithstanding our repeated explanation that Apple is securing final approvals for its release. We will respond to your motion as appropriate, but wanted to touch base about logistics of the inspection. Please let me know if there any specific software that you would like included on the review machines. Apple's standard configuration includes Text Edit, BB Edit, Text Wrangler, Adobe Reader and iTunes, but we can look into loading other software at your request.

Sonal

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